

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
 N/S of Hopkins Road, 182.2' from NE *
 corner of Hopkins Road & Dorking Road * DEPUTY ZONING COMMISSIONER
 9th Election District *
 4th Councilmanic District * OF BALTIMORE COUNTY
 (314 Hopkins Road)

 Jeanne C. Keruly * CASE NO. 99-495-A
 Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Jeanne C. Keruly, property owner, for that property known as 314 Hopkins Road in the Rogers Forge area of Baltimore County. The Petitioner herein seeks a variance from Sections 301.1A and 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 29 ft. in lieu of the required 37.5 ft., for a porch/deck. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.


The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

ORDER RECEIVED FOR FILING
 Date 8/2/99
 By R. J. Janssen

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of August, 1999 that a variance from Sections 301.1A and 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 29 ft. in lieu of the required 37.5 ft., for a porch/deck, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

8/2/99

By

J.E. O'neal



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 2, 1999

Ms. Jeanne C. Keruly
314 Hopkins Road
Baltimore, Maryland 21212

Re: Petition for Administrative Variance
Case No. 99-495-A
Property: 314 Hopkins Road

Dear Ms. Keruly:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 314 Hopkins Rd Balt MD
which is presently zoned DR 10.5 ²¹²¹²

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1A and 1301.2.c.1.c to permit

a rear yard setback of 29 ft. in lieu of the required 37.5 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Address

City State Zip Code

Legal Owner(s):

Jeanne C Keruly
Name - Type or Print

Jeanne C Keruly
Signature

Name - Type or Print

Signature (w) 410 955-6479

314 Hopkins Rd MD 410 377-5353
Address Telephone No.

Baltimore MD 21212
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-495-A

Reviewed By AR Date 6/8/99

Estimated Posting Date 6/20/99

REU 9/15/98

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

314 Hopkins Road
Address
Baltimore MD 21212
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Variance at the above address (indicate hardship or practical difficulty):
Zoning regulations cannot be met on this property. Current zoning requires a set back of 37 1/2 feet. The existing and original porch structure is currently set back at 37 feet. The existing structure is small (19x6) and not very functional. The request is to replace the existing structure which has deteriorated with a new porch/deck whereby the set back would only be 25 feet. The proper permits would be obtained along with replacement of the porch which follows county regulations.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature Jeanne C. Keruly
Name - Type or Print Jeanne C. Keruly

Signature Jamie C Kerahy

Name - Type or Print _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joanne C. Keruly
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Date 6/7/99

Willie Mae McCrae
Notary Public Willie MAE McCrae
My Commission Expires 8/17/2002

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

314 Hopkins Road
Address
Baltimore MD 21212
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Zoning regulations cannot be met on this property. Current zoning requires a set back of 37 1/2 feet. The existing and original porch structure is currently set back at 37 feet. The existing structure is small (19x6) and not very functional. The request is to replace the existing structure which has deteriorated with a new porch/deck whereby the set back would only be 25 feet. The proper permits would be obtained along with replacement of the porch which follows county regulations.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Jeanne C. Keruly
Signature
Jeanne C. Keruly
Name - Type or Print

Jeanne C. Keruly
Signature
Jeanne C. Keruly
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jeanne C. Keruly
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

6/7/99
Date

Willie Mae McCrae
Notary Public Willie Mae McCrae
My Commission Expires 8/17/2002



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 314 Hopkins Rd Balt MD
which is presently zoned DR 10.5 ²¹²¹²

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

301.1A and 1301.2.C.1.c
to permit a rear yard setback of 29 ft. in lieu of the
required 37.5 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Jeanne C Keruly
Name - Type or Print

Jeanne C Keruly
Signature

Name - Type or Print

Signature (w) 410 955-6479

314 Hopkins Rd MD 410 377-5353
Address Telephone No.

Baltimore MD 21212
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-495-A

Reviewed By BR Date 6/8/99

REV 9/15/98

Estimated Posting Date 6/20/99

ZONING DESCRIPTION FOR: ***314 Hopkins Road, Baltimore Maryland 21212***

Beginning at a point on the North side of Hopkins Road at a distance of one hundred eighty-eight feet two inches easterly from the northeast corner of Hopkins Road and Dorking Road and at a point in line with the center of the partition wall there situate, and running easterly binding on the north side of Hopkins Road by a line curving towards the southeast with a radius of twenty-seven hundred fifty-three and eight-tenths feet, for a distance of twenty-one feet to a point in line with the center of the partition wall there situate; then from North seven degrees fifty-eight minutes east to and through the center of the partition wall last mentioned above, in all one hundred ten feet, to the south side of an alley fifteen feet wide there situate then from westerly, binding on the south side of said ally with the use thereof in common twenty-one feet thence south seven degrees fifty-eight minutes west to and through the center of the partition wall first mentioned, in all one hundred ten feet to the place of beginning.

The property is in the subdivision of Rogers Forge as recorded in Baltimore County Plat Book 10-17, Liber 8254, Folio 73, containing 1,600 square feet. Also known as ***314 Hopkins Road*** and located in the 9th Election District, 4th Councilmanic District.

99.495-A

#495

A 2000-00

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069877

DATE 6/8/99 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED FROM: J. Kervly

FOR: Administrative variance

code 010

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Item # 495

PAID RECEIPT
BUSINESS ACTUAL TIME
6/08/1999 6/08/1999 00:46:50
REG 4903 CASHIER FINES FEE DRYGMR
Dept 5 528 ZIRING VERIFICATION
Receipt # 069877
CR NO. 069877
Perpt Tot 50.00
50.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

99-495-A

CERTIFICATE OF POSTING

RE: Case No.: 99-495-A

Petitioner/Developer: _____

JEANNE C. KERULY

Date of Hearing/Closing: 7-5-99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

314 HOPKINS ROAD (21212)

The sign(s) were posted on JUNE 18, 1999
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

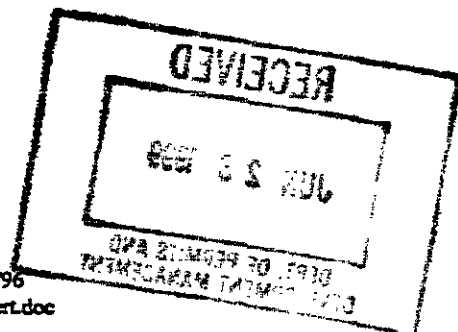
(Address)

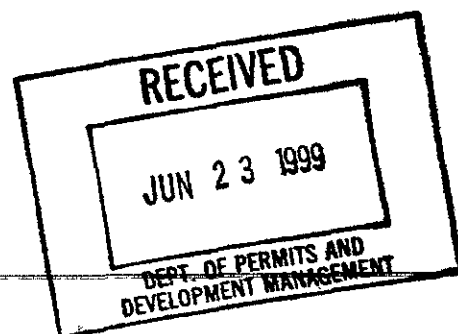
BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)





ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # **99-495-A**

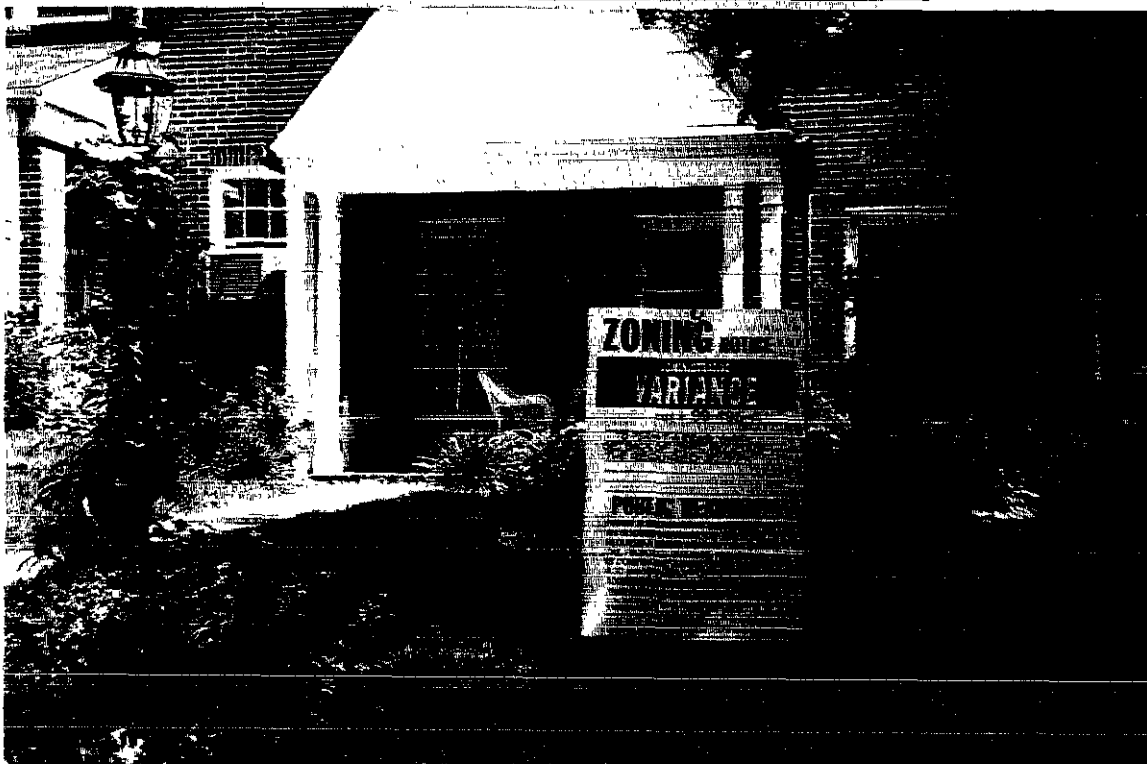
TO PERMIT A REAR YARD
SETBACK OF 29 FT. IN LIEU OF
THE REQUIRED 37.5 FT.

PUBLIC HEARING ?

PURSUANT TO SECTION ZC-27(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 PM ON JULY 15, 1999.

ADDITIONAL INFORMATION IS AVAILABLE AT
THE ZONING OFFICE, 1000 E. JEFFERSON ST.,
BALTIMORE, MD 21201-1000.

#99-495-A



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 495 -A Address 314 Hopkins Road
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 6/8/99 Posting Date: 6/20/99 Closing Date: 7/15/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing; the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 495 -A Address 314 Hopkins Road
Petitioner's Name Jeanne Keruly Telephone 410-955-6479
Posting Date: 6/20/99 Closing Date: 7/15/99
Wording for Sign: To Permit a rear yard setback of 29 ft. in lieu of the
required 37.5 ft.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-495-A
Petitioner: Jeanne C Keruly
Address or Location: 314 Hopkins Road Baltimore Md
21212

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jeanne C Keruly
Address: 314 Hopkins Road
Baltimore MD 21212
Telephone Number: 410 377-5353

AV
7/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: June 30, 1999

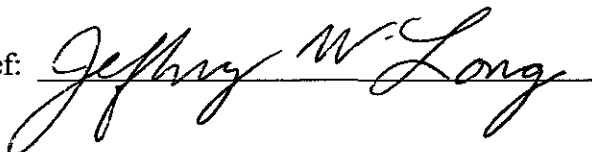
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 495

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



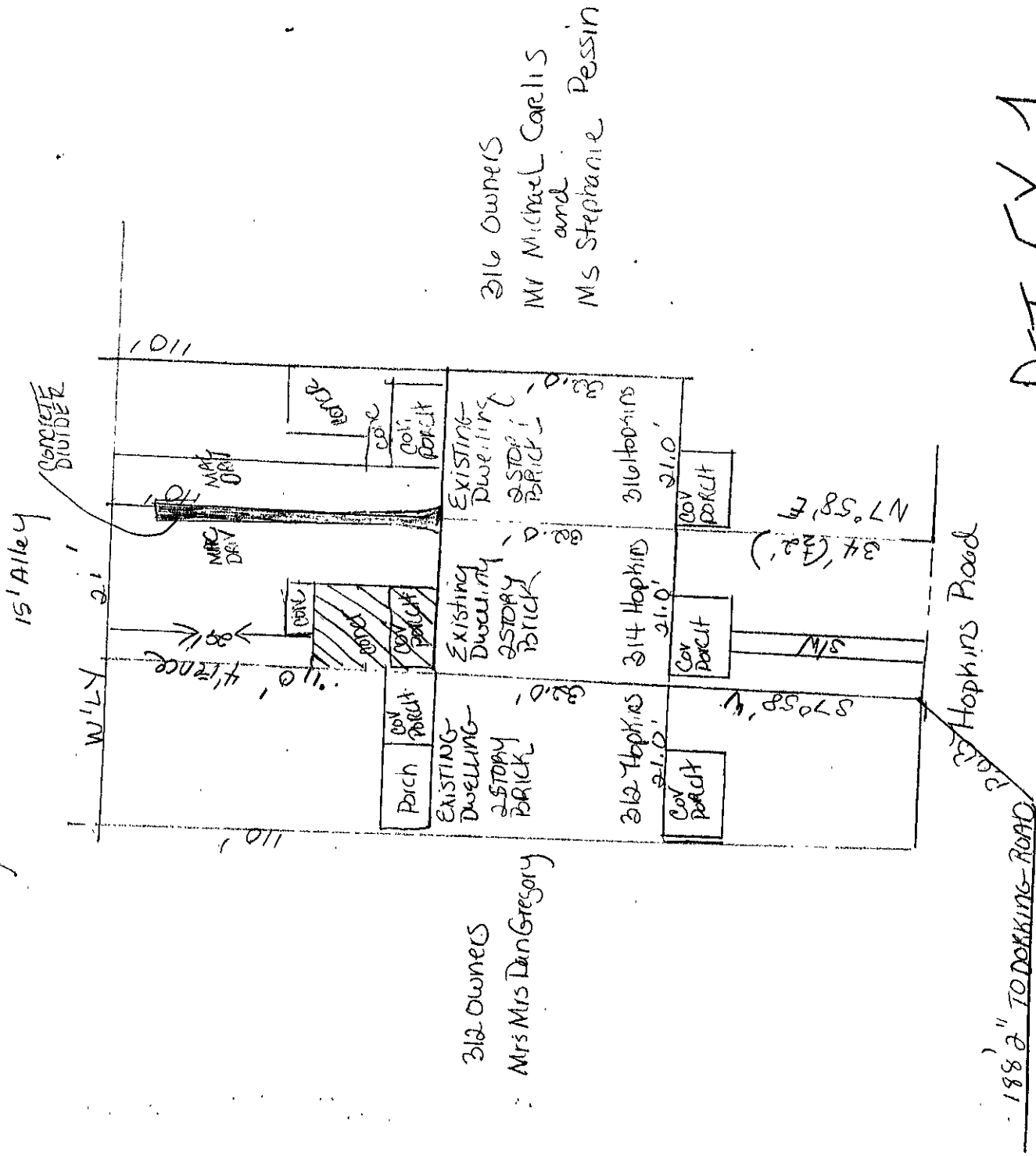
AFK/JL

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 314 Hopkins Road, Baltimore, MD 21212

Subdivision name: Roberts Forest
Plat book # 1011, folio # 113, lot # 1, section # 1, Liber 80354

OWNER: Jeanne Cherkuly



312 Owners
Mrs Mrs Dan Gregory

316 Owners
Mr Michael Carlis
and
Ms Stephanie Pessin



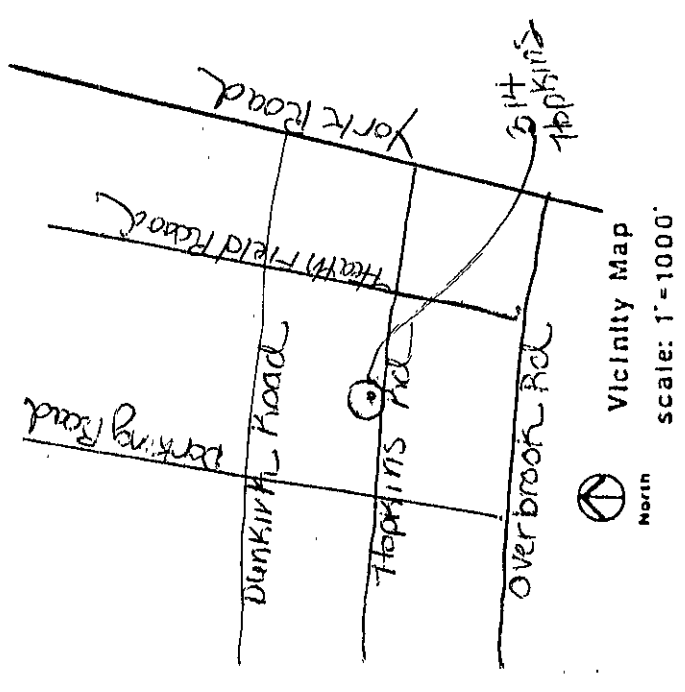
North

date: 6/3/99

prepared by: JCherkuly

Scale of Drawing: 1" = 20

PET. EX. 1



LOCATION INFORMATION

Election District: 9
Councilmanic District: 4

1"=200' scale map#: N.E. 8-A

Zoning: D.R. 10.5

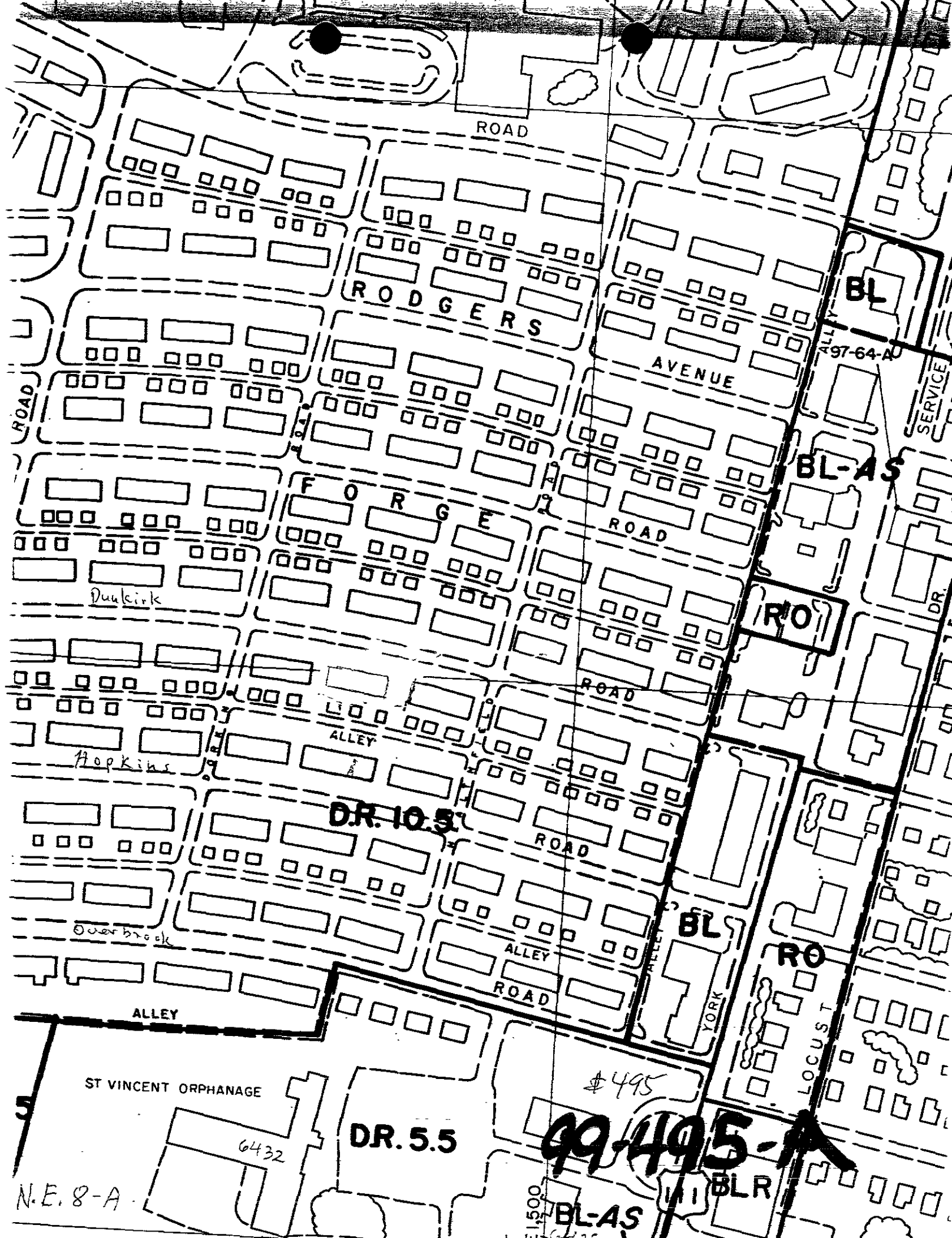
Lot size: 0.053 acreage 2,310 square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: none

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

BK 495 99-495-A



ROAD

RODGERS

AVENUE

BL

97-64-A

SERVICE

BL-AS

FORGE

ROAD

RO

Dunkirk

ALLEY

ROAD

Hopkins

DR. 10.5

ROAD

Overbrook

BL

RO

ALLEY

ALLEY

ROAD

YORK

LOCUST

ST VINCENT ORPHANAGE

6432

DR. 5.5

\$495

99-495-A

BL-AS

BLR

N.E. 8-A



Decktype proposed for 314 Hopkins Rd.
328 Hopkins Rd #495



312 Hopkins #495



314 Hopkins #495



316 Hopkins #495

99-495-A



99-495-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

#495

SCALE	LOCATION	SHEET
1" = 200' ±	STONELEIGH	N E
DATE OF PHOTOGRAPHY	ANNESLIE	8-A
JANUARY 1986	ROGERS FORGE	